

REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 1 and 20-22 have been amended. Claims 2-6, 8, 11-15, and 17-19 have been canceled. No new claims have been added. Therefore, claims 1 and 20-22 are under active consideration.

Claims 1-4, and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,130,384 to A. Esteves et al. (hereinafter Esteves). In support of the rejection, the Examiner commented,

Esteves et al disclose:

Regarding claim 1, (a) a faceplate 30 (see fig 9, column 3 lines 20-30); and (b) a storage device 10, 190 coupled to said faceplate (see fig 9, column 3 lines 20-47, column 5 lines 14-15), said storage device being sized and shaped to retain a portable electric appliance (see fig 9 and element number 190 to retain a portable electric appliance). It is noted that the assembly of Esteves et al meet the structural limitations.

Regarding claim 2, wherein said storage device is removably coupled to said faceplate (see fig 9, column 3 lines 20-30).

Regarding claim 3, wherein said faceplate is adapted to partially cover an electrical device 50 (see fig 9). In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchinson, 69 USPQ 138.

Regarding claim 4, wherein said faceplate is adapted to partially cover an electrical receptacle having one or more outlets (see fig 9, column 4 lines 25-30, column 6 lines 45-50). In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchinson, 69 USPQ 138.

Regarding claim 6, wherein said storage device comprises a front panel, a rear panel, a pair of side panels and a bottom panel which together define an interior cavity (see fig 9 and element #190, please note that Esteves et al disclosed that the storage device 10 includes a tray 190, see column 5 lines 14-15).

This rejection is respectfully traversed.

With respect to claim 1 as amended herewith, as a first point, applicant claims the combination of a faceplate and a storage device coupled to the faceplate, wherein the storage device comprises, inter alia, a pocket-shaped holder which includes a front panel, a rear panel, a pair of side panels and a bottom panel that together define an interior cavity, at least one of the panels being shaped to include an opening in communication with the interior cavity. To the contrary, Esteves does not disclose the combination of a faceplate and a pocket-shaped storage device which is shaped to include an opening in one of its panels. Rather, Esteves discloses a tray (190) which includes a plurality of solid panels. As can be appreciated, the provision of an opening in a panel of applicant's claimed storage device allows for a charger cord (or other similar item) to pass therethrough, with one end of the charger cord plugged into an electrical receptacle and the other end of the charger cord plugged into the electric appliance, which is highly desirable. *See* Fig. 1 of the subject patent application.

As a second point, applicant's claimed invention includes a storage device which is sized and shaped to retain a portable electric appliance. Applicant respectfully contends that the tray (190) in Esteves is not sized and shaped to retain a portable electric appliance. Rather, tray (190) in Esteves is specifically designed to retain small items, such as keys, money, notes and paper clips (*see* col. 5 lines 20-21 in Esteves), and not a substantially larger item such as a portable electric appliance. Applicant respectfully contends that conventional portable electric appliances would fall out of the tray (190) shown in Esteves.

With respect to claims 2-4 and 6, applicant wishes to note to the Examiner that claims 2-4 and 6 are being cancelled herewith.

Withdrawal of the rejection of claims 1-4 and 6 under 35 U.S.C. 102(b) as being anticipated by Esteves is respectfully urged.

Claims 1-6, 8 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,784,364 to W. Kochanski et al. (hereinafter Kochanski). In support of the rejection, the Examiner commented,

Kochanski et al disclose:

Regarding claim 1, (a) a faceplate 18 (see figs 1-2); and
(b) a storage device 12 coupled to said faceplate (see figs 1-2, column 2 lines 24-30), said storage device being sized and shaped to retain a portable electric appliance (see column 1 lines 10-62).

Regarding claim 2, wherein said storage device is removably coupled to said faceplate (see figs 1-2, column 2 lines 25-35).

Regarding claim 3, wherein said faceplate is adapted to partially cover an electrical device (see figs 1-2, column 1 lines 40-62). In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchinson, 69 USPQ 138.

Regarding claim 4, wherein said faceplate is adapted to partially cover an electrical receptacle having one or more outlets (see figs 1-2, column 3 lines 25-40). In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchinson, 69 USPQ 138.

Regarding claim 5, wherein said storage device comprises a pocket-shaped holder which includes a plurality of panels 14 that together define an interior cavity 16, at least one of the plurality of panels being shaped to include an opening (an opening for extensible members 22 and 24, see column 2 lines 45-55 and figs 1-2) in communication with the interior cavity. Regarding claim 6, wherein said storage device 12 comprises a front panel, a rear panel, a pair of side panels and a bottom panel which together partially define an interior cavity (see figs 1-2, column 3 lines 5-15).

Regarding claim 20, the combination of: (a) a faceplate 18 (see figs 1-2); and
(b) a storage device 12 coupled to said faceplate (see figs 1-2, column 2 lines 24-30), said storage device being adapted to retain a portable electric appliance (see column 1 lines 10-62), said storage device comprises a front panel, a rear panel, a pair of side panels and a bottom panel which together partially define an interior cavity 16 (see figs 1-2, column 3 lines 5-15), the bottom panel of said storage device being shaped to include an opening (an opening for extensible members 22 and 24, see column 2 lines 45-55 and figs 1-2).

Regarding claim 8, said storage device being adapted to retain a portable electric appliance within its interior cavity (see figs 1-2, column 1 lines 10-62). In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchinson, 69 USPQ 138.

This rejection is respectfully traversed.

With respect to claims 1 and 20 as amended herewith, applicant claims, inter alia, a faceplate (also commonly referred to in the art as a cover plate, a wall plate or a switch plate) that is sized and shaped to at least partially cover an electrical receptacle having two or more outlets. To the contrary, Kochanski does not disclose a faceplate sized and shaped to at least partially cover an electrical receptacle having two or more outlets. Rather, storage unit door (18) in Kochanski (which the Examiner identifies as a faceplate) is a solid rectangular door for enclosing a cavity (16). Door (18) does not serve to at least partially cover an electrical receptacle having two or more outlets. As a result, by no means could storage unit door (18) in Kochanski be considered a faceplate for an electrical receptacle having two or more outlets. See page 2, lines 1-16 of the subject patent application.

With respect to claims 2-6 and 8, applicant wishes to note to the Examiner that claims 2-6 and 8 are being cancelled herewith.

Withdrawal of the rejection of claims 1-6, 8 and 20 under 35 U.S.C. 102(e) as being anticipated by Kochanski is respectfully urged.

Claims 11, 17-19 and 21-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,756,543 to J. Kaloustian (hereinafter Kaloustian). In support of the rejection, the Examiner commented,

Kaloustian discloses:

Regarding claim 22, the combination of: a faceplate 10, said faceplate including a fastening device 64, said faceplate including a cover 12 and a flange 60 which are integrally formed together (see fig 4); and a storage device 14 coupled to said faceplate (see fig 4), said storage device being adapted to retain a portable electric appliance (see fig 4). In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchinson, 69 USPQ 138.

Regarding claim 17, wherein the cover 12 of said faceplate includes a substantially flat front surface (see fig 4).

Regarding claim 18, wherein the flange 60 of said faceplate extends generally orthogonally out from the flat front surface of the cover (see fig 4).

Regarding claim 19, wherein the fastening device on said faceplate is integrally formed onto the flange 60 (see fig 4, column 4 lines 45-50).

Regarding claim 21, the combination of: (a) a faceplate 12 said faceplate including a fastening device 64, and a storage device 14 coupled to said faceplate (see fig 4), said storage device being adapted to retain a portable electric appliance (see fig 4), said storage device including at least one fastening device which is adapted to engage the fastening device on said faceplate (see column 5 lines 10-15 and fig 5). In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchinson, 69 USPQ 138.

Regarding claim 11, the at least one fastening device on said storage device being sized and shaped to releasably engage the fastening device on said faceplate (see fig 5, column 5 lines 10-15).

This rejection is respectfully traversed.

With respect to claims 11 and 17-19, applicant wishes to note to the Examiner that claims 11 and 17-19 are being canceled herewith.

With respect to claims 21 and 22 as amended herewith, as a first point, applicant claims, inter alia, a faceplate (also commonly referred to in the art as a cover plate, a wall plate or a switch plate) that is sized and shaped to at least partially cover an electrical receptacle having two or more outlets. Applicant respectfully disagrees with the Examiner's contention that the cover (12) shown in Fig. 4 of Kaloustian functions as a faceplate sized and shaped to at least partially cover an electrical receptacle having two or more outlets. Rather, applicant respectfully contends

that item (12) in Fig. 4 of Kaloustian is a solid cover panel that is used to enclose container portion (14). In fact, item (18), and not item (12), in Fig. 4 of Kaloustian is a faceplate (and is identified as such in Kaloustian).

As a second point, applicant claims the combination of a faceplate and a storage device coupled to the faceplate, wherein the storage device comprises, inter alia, a pocket-shaped holder which includes a front panel, a rear panel, a pair of side panels and a bottom panel that together define an interior cavity, at least one of the panels being shaped to include an opening in communication with the interior cavity. To the contrary, Kaloustian does not disclose the combination of a faceplate and a pocket-shaped storage device which is shaped to include an opening in one of its panels. Rather, the container portion (14) shown in Fig. 4 of Kaloustian includes a plurality of solid panels. As can be appreciated, the provision of an opening in a panel of applicant's claimed storage device allows for a charger cord (or other similar item) to pass therethrough, with one end of the charger cord plugged into an electrical receptacle and the other end of the charger cord plugged into the electric appliance. *See* Fig. 1 of the subject patent application.

Withdrawal of the rejection of claims 11, 17-19 and 21-22 under 35 U.S.C. 102(e) as being anticipated by Kaloustian is respectfully urged.

Claims 12-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kaloustian. In support of the rejection, the Examiner commented,

Kaloustian discloses:

Regarding claims 12-15, the assembly of Kaloustian disclose all the features of the claimed invention, including the container portion 14 being secured to the cover portion by other suitable attachment mechanism (see column 5 lines 10-15), but fails to disclose the fastening device is in the form of a bracket (for claim 12), the at least one fastening device is in the form of a hook (claim 13), and the fastening device is shaped to define a slot (for claim 14) and the at least one fastening device on said storage device protrude into the slot formed in the fastening device on said plate (for claim 15). It would have been an obvious matter of design choice to use the fastening device is in the form of a bracket (claim 12), the at least one fastening device is in the form of a hook (claim 13), and the fastening device is shaped to define a slot (for claim 14) and the at least one fastening device on said storage device protrude into the slot formed in the fastening device on said faceplate (for claim 15), since applicant has not disclosed that the fastening device is in the form of a bracket (for claim 12), the at least one fastening device is in the form of a hook (for claim 13), and the fastening device is shaped to define a slot (for claim 14), and the at least one fastening device on said storage device protrude into the slot formed in the fastening device on said faceplate (for claim 15) solves any stated problem or is for any particular purpose and clearly disclosed that fastening devices are meant to represent any conventional fastening means (see entire page 9), and it appears that the invention would perform equally well if designed with said fastening devices (said faceplate and said storage device) of Kaloustian.

This rejection is respectfully traversed.

With respect to claims 12-15, applicant wishes to note to the Examiner that claims 12-15 are being canceled herewith.

Withdrawal of the rejection of claims 12-15 under 35 U.S.C. 103(a) as being unpatentable over Kaloustian is respectfully urged.

Allowance of the application with claims 1 and 20-22 is earnestly solicited.

If the present Amendment does not place the subject application in condition for allowance, applicant respectfully requests that the Examiner call the undersigned attorney at the number listed below.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 2-7-05.

Daniel S. Kriegsman
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